

# **EXHIBIT 1**


**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**
**REGION 5**
**77 W JACKSON BLVD**
**CHICAGO, IL 60604**
**REPLY TO THE ATTENTION OF:  
SE-5J**

December 15, 2016

Citizen Name / Ex. 6

Personal Address / Ex. 6

RE: Residential Dust Sampling Results

Dear Citizen Name / Ex. 6,

Thank you for allowing the U.S. Environmental Protection Agency (EPA) to collect samples from inside your home as a part of the investigation into lead and arsenic contamination in the soil at the USS Lead Superfund Site. EPA collected dust samples using a high-efficiency particulate air (HEPA) vacuum to determine if site-related lead- or arsenic-contaminated soil could have been tracked or blown into your home. You and your family may also have been exposed to lead from other sources including lead-based paint, and certain household products. Dust samples were taken from your floors, near doorways, in hallways, and in bedrooms and play areas of the youngest children.

**EPA Dust Samples**

EPA sent all dust samples to a laboratory for analysis. The levels of lead and arsenic found at each location are shown in the table below. The results show the lead and arsenic concentrations in the fine dust fraction. We are most concerned about the exposure of young children to the fine dust fraction, so those values are compared to EPA's health screening level.

**EPA Dust Sample Results**

Location	Lead concentration in fine dust fraction (ppm)	Lead Screening level in fine dust (ppm)	Arsenic concentration in fine dust fraction (ppm)	Arsenic screening level in fine dust (ppm)
Basement	2000	316	24	26
Bedroom	370		5.6	
Front Entrance	610		13	

The sampling results indicate **levels above EPA health screening levels** in your home.

EPA will contact you soon to schedule an appointment to discuss your interest in having EPA conduct an indoor cleaning. If interested, the indoor cleaning will last about a day and afterward a sample will be taken to see how much dust remains in your home.

In the meantime, there are steps you can take to reduce dust in your home and protect your family from lead and arsenic in soil:

- Thoroughly HEPA vacuum your home
- Wet mop floors
- Damp dust counters, surfaces and furniture regularly
- Launder bedding regularly
- Do not let your children play in bare dirt
- Children and adults should remove shoes before walking into your home
- Wash children's toys and babies' pacifiers regularly
- Wash children's hands and feet after they have been playing outside
- Replace furnace filters

The East Chicago Health Department is offering free blood lead testing for children. If you have young children -- especially under 6 years old -- who have not been recently tested for lead, please consider scheduling a simple blood test. You can schedule an appointment at the East Chicago Health Department (100 W. Chicago Ave) by calling them at 217-391-8467. Additionally, the City of East Chicago Department of Redevelopment has a residential repair program that could be utilized, in part, to address lead-based paint issues in the home. For more information on the City's repair program, visit their website at: <http://www.eastchicago.com/page10/page41/page129/index.html>.

If you have any health-related questions please call EPA toxicologist Dr. Keith Fusinski at 734-692-7681, Dr. Mark Johnson from the regional office of the Agency for Toxic Substances and Disease Registry at 312-886-0840, or Mike Mettler at the Indiana State Department of Health at 317-233-7183. If you have any general questions regarding the site please call 219-801-2199.

Sincerely,



Jacob Hassan

On-Scene Coordinator

EPA Region 5 Superfund

# **EXHIBIT 2**

**From:** Lang, Annette (ENRD) <Annette.Lang@usdoj.gov>  
**Sent:** Friday, January 06, 2017 7:26 PM  
**To:** Chizewer, David; Debbie (Musiker) Chizewer (debbie.m.chizewer@law.northwestern.edu); Gilman, Emily D.; Mark N. Templeton, Esq. (mark.n.templeton@usdoj.gov); Michael Elam Esq. (michael.elam@btlaw.com); David Rieser (david.rieser@klgates.com); Steven Kaiser (kaiser.steven@epa.gov); Leo Chingcuanco (Chingcuanco.Leonardo@epa.gov); Marcy Toney (tony.marcy@epa.gov); Benson, Thomas (ENRD)  
**Cc:**  
**Subject:** Access Agreements and Sample Results Letter  
**Attachments:**

## Personal Address / Ex. 6

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Counsel –

As you are aware, by emails dated December 29, 2016, I sent you copies of all RD sample access agreements and soil sample results letters that EPA possessed for your clients.

I am following up with that response to provide you with the following as well:

- (1) Remedial Action soil excavation agreements for the 2 properties that were remediated this fall (Personal Address / Ex. 6) and (Personal Address / Ex. 6);
- (2) Indoor sampling access agreements for 3 properties (Personal Address / Ex. 6);
  - a. NOTE: for (Personal Address / Ex. 6) the indoor sampling access agreement also has an outdoor soil sampling agreement. That outdoor soil sampling agreement was not necessary: (Citizen Name / Ex. 6) had previously signed one on August 3, 2016 (which we provided to you last week) and EPA previously had collected soil samples (on August 10, 2016) pursuant to that agreement. See Alcamo Declaration at 9.c, 9.d.
- (3) Indoor sampling results letters for 2 properties (Personal Address / Ex. 6); and
  - a. NOTE: the indoor sampling results for ( ) were communicated by phone and thus there is no letter associated with this.
- (4) An Indoor cleaning access agreement for the 1 property that has been cleaned on the interior (Personal Address / Ex. 6)

To the best of our knowledge, with the RD soil sample access agreements and soil sample results letters that we emailed to you on December 29, 2017, and the attachments to this email, we have provided you with all of the access agreements and sampling results letters that EPA has for your clients.

USDC IN/ND case 2:14-cv-00312-PPS-PRC document 32-1 filed 01/13/17 page 6 of 10  
 Concerning EPA's attached October 7, 2016 letter to [Citizen Name / Ex. 6], you will note that the Table showing the sample results identifies the arsenic screening level as 100 ppm. After October 7, 2016, and based on further review and consultation, EPA decided to lower the indoor arsenic screening level to 26 ppm. There were five residents, including your client, who got letters with the old screening level. The sampling results for 3 of those 5 were below the new screening level and so no further action with respect to those residents is necessary (although EPA will be notifying them of the change to the screening level).

With respect to your client, the arsenic result of 75 ppm was "U-qualified." A U-qualified result means that the arsenic was essentially "non-detect." However, data validation guidance calls for such a result to be conservatively reported as the sample quantification limit (reporting limit). In this case, the sample quantification limit turned out to be 75 ppm. This limit can be significantly affected by something called "matrix effects," sample volume and sample dilutions/dilution factors. However, the actual result inside the Jimenez' home was much lower than 75 ppm, but there was uncertainty with the result.

When the indoor screening level was 100 ppm, the U-qualification of the result did not matter. However, in light of the revised lower indoor screening level, EPA believes it will be prudent to seek permission to re-sample the interior of the [Citizen Name / Ex. 6] property. (They will also be doing this for the other property – not one of your clients – who had a U-qualified interior sample result when the screening level was still 100 ppm).

If you would like to discuss any of this, please let me know. I am sure we can set up a convenient time.

Thanks.

Annette

Annette M. Lang  
 Senior Counsel  
 Environment and Natural Resources Division  
 Department of Justice  
 Regular Mail: P.O. Box 7611, Ben Franklin Station, Washington, DC 20044-7611  
 Express Mail: 601 D St., NW, Room 8606, Washington, DC 20004  
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# **EXHIBIT 3**

1/13/2017

RE: CAG Update - Deborah Gail Musiker

RE: CAG Update USDC IN/ND case 2:14-cv-00312-PPS-PRC document 32-1 filed 01/13/17 page 8 of 10


Garypie, Catherine <garypie.catherine@epa.gov>

Wed 12/7/2016 11:27 AM

To: Deborah Gail Musiker <Debbie.M.Chizewer@law.northwestern.edu>; Pope, Janet <Pope.Janet@epa.gov>; Annette Lang <annette.lang@usdoj.gov>; Walts, Alan <walts.alan@epa.gov>;

Cc:

## Personal Email / Ex. 6

 1 attachment

USS Lead-Postcard\_11-29-16.pdf;

This email responds to various topics raised by Citizen Name / Ex. 6 on behalf of the East Chicago/Calumet Coalition (formerly known as East Chicago Undivided) in the email below.

### DECEMBER 10, 2016 EVENT

As you know, EPA is planning to hold an Open House on Saturday, Dec. 10, 2016 (1:00 – 4:00 p.m.) at the Old Carrie Gosch School, Auditorium and Cafetorium, 455 E. 148th St., in East Chicago. The East Chicago/Calumet Coalition asks that this be a panel-style event. EPA has long planned that this event be titled an “Open House,” with both presentations in the Auditorium (by Dr. Susan Buchanan of the University of Illinois at Chicago’s Great Lakes Center for Children’s Environmental Health at 1:15 pm, and an update on cleanup activities by EPA followed by a question and answer period) and an open house in the Cafetorium immediately following the presentation (with tables where those attending will be able to talk one-on-one with EPA and other agencies). The event has already been advertised as an Open House. We believe that the EPA update and Q&A period will provide much of what the Coalition is seeking in a panel-style event, which still offers individual residents with their opportunity to approach EPA staff on a one-on-one basis. EPA agrees that the East Chicago/Calumet Coalition can have a table at the Open House and will plan to make one available.

EPA appreciates the offer of the East Chicago/Calumet Coalition to help spread the word about this event. Attached to this email you will find a PDF file containing a postcard about the event. Please feel free to share this information with any/all who may be interested in attending.

### COMMUNITY ADVISORY GROUP FORMATION

EPA appreciated speaking with Citizen Name / Ex. 6 in November to further understand how the formation of the East Chicago/Calumet Coalition is occurring and what role is being played in that group by the attorneys representing the Applicants in the Motion to Intervene in U.S. and Indiana v. Atlantic Richfield and DuPont, No. 2:14-cv-00312 (seeking to compel EPA to take certain actions in relation to the USS Lead Superfund Site).

It is EPA’s understanding that the attorneys representing the Applicants (including Ms. Chizewer) are providing advice to the East Chicago/Calumet Coalition, but do not have an agreement to legally represent the East Chicago/Calumet Coalition. As long as that is the case, unless the Steering Committee of the East Chicago/Calumet Coalition directs otherwise, it is EPA’s strong preference to communicate directly with the members of the East Chicago/Calumet Coalition, and not Ms. Chizewer or any other intermediary (although we can continue to cc Ms. Chizewer on emails).



1/13/2017

RE: CAG Update - Deborah Gail Musiker

USDC INND case 2:14-cv-00812-PPS-PRO document 32-1 filed 01/13/17 page 9 of 10  
 EPA does not intend to make any official statement on this matter. EPA's role is to provide information and resources to the community. What EPA intended to convey recently is that while any community group can call itself a CAG, and there is no paperwork to be filled out by a group calling itself a CAG (unless EPA resources are being sought by the CAG), EPA will provide the most resources to a CAG which broadly represents the community affected by the USS Lead Superfund Site. In East Chicago, EPA is aware that there are multiple community groups in East Chicago with an interest in the USS Lead Superfund Site. EPA is also aware that those groups have had some difficulty coalescing. At this point it is still somewhat unclear to EPA whether or not the East Chicago/Calumet Coalition broadly represents the community affected by the USS Lead Superfund Site. EPA expects to understand more about the East Chicago/Calumet Coalition as time goes by and as the East Chicago/Calumet Coalition continues to complete the activities outlined in EPA's Community Advisory Group Toolkit (<https://semspub.epa.gov/work/HQ/175055.pdf>).

#### EPA RESOURCES CURRENTLY BEING UTILIZED BY EAST CHICAGO/CALUMET COALITION

EPA also wishes to confirm that several EPA resources are currently being utilized by the East Chicago/Calumet Coalition:

- Superfund 101: EPA is planning to put on a "Superfund 101" Workshop for the East Chicago/Calumet Coalition. The likely date of this event will be in January or February 2016
- Neutral Assessment: EPA is in the process of contracting with one or more neutral facilitators to assess the neutral facilitation needs of the East Chicago/Calumet Coalition and make recommendations regarding what resources EPA may wish to provide the East Chicago Calumet Coalition.

EPA looks forward to continuing to work with the East Chicago/Calumet Coalition. Please contact Janet Pope (with a cc to me) if you have any further questions regarding these matters.

Catherine Garypie, Associate Regional Counsel  
 Office of Regional Counsel  
 United States Environmental Protection Agency, Region 5  
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**From:** Deborah Gail Musiker [mailto:[Debbie.M.Chizewer@law.northwestern.edu](mailto:Debbie.M.Chizewer@law.northwestern.edu)]  
**Sent:** Monday, December 05, 2016 9:37 AM  
**To:** Pope, Janet <[Pope.Janet@epa.gov](mailto:Pope.Janet@epa.gov)>; Garypie, Catherine <[garypie.catherine@epa.gov](mailto:garypie.catherine@epa.gov)>; Annette Lang <[annette.lang@usdoj.gov](mailto:annette.lang@usdoj.gov)>; Walts, Alan <[walts.alan@epa.gov](mailto:walts.alan@epa.gov)>

## Personal Email / Ex. 6

**Subject:** CAG Update

Hi Janet and Catherine,

I hope this email finds you well.

I am writing to touch base on topics we have discussed in past meetings and calls, as well as to make sure that you have the email addresses for current Community Advisory Group (CAG) Steering Committee members (copied here). Please copy all Steering Committee members on communications with any member of the Steering Committee.

1/13/2017

RE: CAG Update - Deborah Gail Musiker

As you know, the CAG has been active since 11/14/16. On 11/13/17, I participated in a meeting that EPA explained the resources available to CAGs and told the CAG that it was official; since then, the CAG has been exploring options for seeking a TAG and/or TASC. Catherine, when we met on 11/1/16 to follow up on related questions, you confirmed that the CAG need not complete any other paper work to become official, and you answered my questions about the TAG and TASC and the relevant criteria and procedures for obtaining those resources.

Then, and likely in response to concerns presented by a resident regarding the original CAG name (East Chicago Undivided) and to assure adequate representation of all the zones, you requested that we speak again on 11/17/16 to go over the CAG protocol and adherence to the CAG guidance documents. As I explained during our 11/17/16 call, the CAG had been actively and successfully recruiting more zone 1 and 2 members for the CAG generally and the Steering Committee specifically, and will continue to do so. The CAG also decided to reopen the discussion of the CAG name at the 11/19 meeting. It advertised the meeting and included the agenda through flyers, on social media, email, and in the Northwest Indiana Times. Those who could not attend were given the opportunity to use proxies to express their views. Please find attached the meeting notes from the 11/19 meeting. At that meeting, the group decided on its new name, "East Chicago/Calumet Coalition." I am also attaching an updated CAG overview sheet with the new name.

At this point, and in keeping with our 11/17 conversation where we walked through the CAG's compliance with EPA guidelines, the CAG is ready to move forward with its work. The CAG will continue to meet every week and will welcome the opportunity to include EPA on the agenda as appropriate.

It also looks forward to the 12/10/16 community meeting and will most likely want to set up a CAG information table there. Please note, however, that at the 10/29/16 meeting, the group expressed to EPA its strong preference that the 12/10 event be a panel-style event; the residents and the Steering Committee prefer this style because they like to hear each other's questions and believe they learn much from that format. Please let us know if you can ensure that the 12/10 event is a panel as opposed to an open house. Also, the CAG is eager to work with you to spread the word about the event details.

The CAG also will look forward to working with you to set up a Superfund 101 session as soon as possible.

Please let us know if you any questions.

Thanks,

Debbie

**Debbie (Musiker) Chizewer**

Environmental Advocacy Clinic

Bluhm Legal Clinic

Northwestern University School of Law

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